

KLINE & SPECTER, P.C.

BY: COLIN BURKE, ESQUIRE

1525 Locust Street, 19th Floor

Philadelphia, PA 19102

215-772-1000

*Attorney for Plaintiff,
Bonita Williams, Administrator of
the Estate of John Jermill Williams,
Deceased*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**BONITA WILLIAMS,
ADMINISTRATOR OF THE
ESTATE OF JOHN JERMILL
WILLIAMS, DECEASED,**

Plaintiff,

v.

**NOHEMI FARFAN and
QUALITY LOGISTICS, INC. D/B/A
CT EXPRESS,**

Defendants.

CIVIL ACTION

NO. 3:17-CV-06068-PGS-LHG

JURY TRIAL DEMANDED

AMIR JENKINS,

Plaintiff,

v.

**NOHEMI FARFAN and
QUALITY LOGISTICS, INC. D/B/A
CT EXPRESS,**

Defendants.

AFFIDAVIT OF COLIN BURKE, ESQUIRE

I, COLIN BURKE, ESQUIRE, being of full age, do hereby swear and affirm as follows:

1. My name is Colin Burke and I am counsel for Bonita Williams, Administrator of the Estate of John Jermill Williams, deceased, who is the plaintiff in this action.

2. I hereby certify that the plaintiff has complied with the Order entered by The Honorable Lois H. Goodman, United States Magistrate Judge, on February 15, 2019 granting settlement approval (hereinafter "the Order"). A true and correct copy of the February 15, 2019 Order is attached hereto as Exhibit A.

3. Kline & Specter, P.C. was reimbursed for its litigation costs and paid its attorney's fee in accordance with the Order.

4. The allotted portion of the Wrongful Death Act proceeds were distributed to Thrivest Legal Funding, LLC in accordance with the Order.

5. The allotted portion of the Wrongful Death Act proceeds were distributed to Liberty Funding LLC in accordance with the Order.

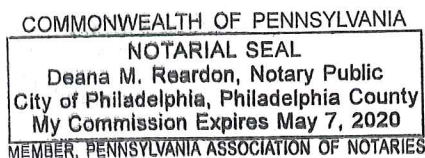
6. A Trust was established and approved for the benefit of A.W. with Pennsylvania Trust and Susan L. Bartels, Senior Vice President, and her staff are acting as trustees. The allotted portion of the Wrongful Death Act proceeds and the entire amount of the Survival Act proceeds were transferred to the A.W. Settlement Trust in accordance with the Order.



COLIN BURKE, ESQUIRE

Sworn to and subscribed before me this
14 day of Aug., 2019


NOTARY PUBLIC



CERTIFICATE OF SERVICE

I, Colin Burke, Esquire, hereby certify that on the below date, the foregoing **Affidavit of Colin Burke, Esquire** was electronically filed with the Clerk of the Court and served on all counsel of record using the CM/ECF system.

Date: August 14, 2019

By:



Colin Burke, Esquire
Attorney for Plaintiff,
Bonita Williams, Administrator of the
Estate of John Jermill Williams, Deceased

EXHIBIT

A

BONITA WILLIAMS,	:	
ADMINISTRATOR OF THE	:	CIVIL ACTION
ESTATE OF JOHN JERMILL	:	
WILLIAMS, DECEASED,	:	NO. 3:17-CV-6068-PGS-LHG
	:	
Plaintiff,	:	
v.	:	
	:	
NOHEMI FARFAN and	:	<u>JURY TRIAL DEMANDED</u>
QUALITY LOGISTICS, INC. D/B/A	:	
CT EXPRESS,	:	
	:	
Defendants.	:	
<hr/>		
AMIR JENKINS,	:	
	:	
Plaintiff,	:	
v.	:	
	:	
NOHEMI FARFAN and	:	
QUALITY LOGISTICS, INC. D/B/A	:	
CT EXPRESS,	:	
	:	
Defendants.	:	

This matter having come before the Court in accordance with Local Civil Rule 83.3 and referencing New Jersey Court Rule 4:44-3, as well as other rules of the Rules Governing the Courts of the State of New Jersey; and counsel for the parties having reported that a settlement of Plaintiff's claims has been reached between all parties; and the Court further finding Administrator of the Estate of John Jermill Williams sufficiently understands the terms of the settlement and consents to entry of this Order; and the Court having reviewed the claims asserted in the Complaint alleging damages to the Estate of John Jermill Williams, arising from an automobile accident on

November 8, 2016 that resulted in his death; and the Court, finding that approval of the settlement is required by virtue of the Wrongful Death Act, N.J.S.A. 2A:31-1, *et seq.*, and the Survival Act, N.J.S.A. 2A:15-3, *et seq.*; and the Court further finding the settlement is fair and reasonable; and the Court having conducted a hearing on the record on February 11, 2019; and for all of the reasons set forth on the record, and the court having approved the aforementioned settlement, and for good cause shown;

IT IS on this **15th** day of **February, 2019**, upon consideration of the Amended Petition of Plaintiff, Bonita Williams, Administrator of the Estate of John Jermill Williams, Deceased, for Court Approval of Settlement of Wrongful Death and Survival Act Claims and Allocation and Distribution of Litigation Costs, Attorney's Fee, and Settlement Proceeds, it is hereby

ORDERED that Plaintiff's Amended Motion for Settlement Approval [Docket Entry No. 21] is **GRANTED**; and it is further

ORDERED that Plaintiff's Motion for Settlement Approval [Docket Entry No. 17] is **TERMINATED as SUPERSEDED**; and it is further

ORDERED that the above captioned case is hereby dismissed, without prejudice, until the Court receives confirmation of compliance with the terms herein; and it is further

ORDERED that Petitioner, Bonita Williams, Administrator of the Estate of John Jermill Williams, deceased, is authorized to enter into a settlement with Defendants, Nohemi Farfan and Quality Logistics, Inc. d/b/a CT Express, in the gross amount of Seven Hundred Eighty-Seven Thousand Three Hundred Thirty-Four Dollars and Twenty-Six Cents (\$787,334.26); and it is further

ORDERED that Kline & Specter, P.C. is entitled to an attorney's fee of 25% (Twenty-Five Percent) of the net settlement proceeds after reimbursement of its litigation costs in accordance with Rule 1:21-7, to be distributed as follows:

Gross Settlement Proceeds	\$787,334.26
To: Kline & Specter, P.C. (Reimbursement of Litigation Costs)	\$26,298.53
To: Kline & Specter, P.C. (Attorney's Fee – 25%)	\$190,258.93

It is further **ORDERED** that the remaining \$570,776.80 of the net settlement proceeds shall be allocated 90% (Ninety Percent) to the Wrongful Death Act claim and 10% (Ten Percent) to the Survival Act claim, to be distributed as follows:

Wrongful Death Act Proceeds (90%)	\$513,699.12
To: Thrivest Legal Funding, LLC	\$17,905.31
To: Liberty Funding LLC	\$1,541.25
To: A.W., a Minor Funds to be placed in a Trust for the benefit of A.W. Funds to be held in escrow by Petitioner's counsel pending approval by a Court of competent jurisdiction of a Trust Agreement and Trustee.	\$494,252.56

Survival Act Proceeds (10%)

\$57,077.68


To: A.W., a Minor
Funds to be placed in a Trust
for the benefit of A.W. Funds
to be held in escrow by Petitioner's
counsel pending approval by a Court
of competent jurisdiction of a Trust
Agreement and Trustee.

\$57,077.68

Within ninety (90) days from the date of this final Order, counsel for Petitioner shall provide the Court with a status update regarding compliance with this Order, including a proposed timeline for compliance with this Order. Within one-hundred eighty (180) days, Counsel shall transmit via mail or hand delivery an Affidavit with the Court certifying compliance with this Order. The Affidavit shall bear the caption of the case and shall contain the court term and number. Counsel shall attach to the Affidavit a copy of this Order.

The Clerk's Office is hereby instructed to close the case.

BY THE COURT:



LOIS H. GOODMAN
United States Magistrate Judge